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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/046,912	01/17/2002	Yong-Jun Lim	Q67327	3408	
7590 10/19/2005			EXAMINER		
SUGHRUE MION, PLLC			SHAW, PELING ANDY		
2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			ART UNIT	PAPER NUMBER	
			2144		
			DATE MAILED: 10/19/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/046,912	LIM, YONG-JUN		
Examiner	Art Unit		
Peling A. Shaw	2144		

 2.		Peling A. Shaw	2144	
THE REPLY FILED 15 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. I. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal to avoid abandonment of this application applicant must find evidence, which is publication and the providence of the following replies; (1) an amendment, afficient, or other evidence, which is publication and the providence of the following replies; (1) an amendment, afficient, or other evidence, which is a publication of the providence of the final rejection. In the period for reply expires	The MAILING DATE of this communication appe	ars on the cover sheet w	ith the correspondence add	dress
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavil, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41:31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a			•	
a) The period for reply expiresmonths from the mailing date of the final rejection. Whichever is later. If no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection, whichever is later. If no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY OFICK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in the filed form: (1) the expiration date of the shortened statutory period for prely originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.73(e). In Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(e), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(e). AMENDMENTS AMENDMENTS AMENDMENTS AMENDMENTS AMENDMENTS AND The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise he issue of new work of the proposed development of the proposed development of the proposed development of the proposed deve	1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance.	n the same day as filing a N wing replies: (1) an amend stice of Appeal (with appea	Notice of Appeal. To avoid ab ment, affidavit, or other evide I fee) in compliance with 37 C	nce, which CFR 41.31; or (3)
b) ∑ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. If no event, however, will the statutory period for reply expire later than SIX MONTHS for the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 705 07 (f). Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.135(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely find, may reduce any earmed patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS In the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). Menumental proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment (PTOL-324). Menumental proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable daim(s). Note:		g date of the final rejection.		
TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the experient of date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any same d patent term adjustment. See 37 CFR 1.74(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise new issues that would require further consideration and/or search (see NOTE below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d)	b) The period for reply expires on: (1) the mailing date of this A	Advisory Action, or (2) the date	e set forth in the final rejection, w the mailing date of the final reject	hichever is later. Ir tion.
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 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 13. Other: CURERVISORY PATENT EXAMINER		on of the status of the claim	ns after entry is below or attac	hed.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 13. Other: CLIPERVISORY PATENT EXAMINER	11. The request for reconsideration has been considered by	ut does NOT place the app	lication in condition for allowa	ance because:
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Continuation Sheet (PTO-303)

Application No.

The following remarks are added to the response to the remarks on Non-Final Action in the Final Action.

In regarding to remarks related to Nelson:

As memory in computing device, e.g. network device, if a single memory or multiple memories are used is well known up to designer's decision. As Nelson actually uses a "decode" to perform "chip select" functions, multiple memory usage is obvious.

Applicant alleges that Nelson does not teach "selecting either the first memory or the second memory". As pointed above, the "decode" is pointing to "chip select" memories. Further, claims 2 and 9 of Nelson point out the selecting of a first memory. Claims 8 and 11 of Nelson point out the selecting of a second memory. As pointed out above, if a single memory or multiple memories are used is well known up to designer's decision. This is also pointed in Nelson (column 3, line 23-34).

Applicant alleges that Nelson does not disclose that such checking occurs during the erasing and storing steps. A power failure and any disruptive event could happen during the erasing and storing steps. The applicant points out the need to check during the erasing and storing steps. As it is well known that a system design needs to include faulty conditions as Nelson points out. Unless the faulty condition is totally unknown to the industry, it should be treated as well known.

In regarding to remarks related to Mitsui:

Applicant alleges that Mitsui does not mention "a second memory for storing information transferred through the network", Mitsui's abstract cites in "SOLUTION:" "In the case of download, an updating program is stored in a second flash PROM1 ...".

In regarding to remarks related to Matsui:

Matsui described a software delivery form server to a client, copy the old software in an original space. This indicates a first and second memory for software delivery operation, i.e. update and recovery.

In regarding to remarks related to Takeo:

Takeo cites in "SOLUTION" "A central processing part downloads an operation program 7 from a high order control stations so as to store it in a operation memory 5 ..." and "... and transfers the operation program 8 which is preserved in a back up memory 6 to operation memory 5 of the central processing part 1 as against a storage part 2 when abnormality is detected ..." This indicates a software downloaded and stored in a memory other than just one memory. This download is not local.